**THE HONOURABLE SRI JUSTICE C.V. NAGARJUNA REDDY**

**WRIT PETITION NO. 27049 OF 1995**

**DATED: 28-11-2006**

**BETWEEN:**

The Warangal Municipal Corporation
Warangal, rep.by its Commissioner

… Petitioner

and

Smt. V. Venkatamma, W/o. Ramaswamy
And three others

… Respondents

**THE HONOURABLE SRI JUSTICE C.V. NAGARJUNA REDDY**

**WRIT PETITION NO. 27049 OF 1995**

**ORDER:**

This writ petition is filed questioning the award dated 19-11-1994 of the third respondent made in I.D.117/94 where under the first respondent was directed to be reinstated into service with continuity of service, back wages and attendant benefits.

Heard Sri V. Durga Nageswara Rao, learned counsel appearing for the petitioner. Despite service of notice, none appeared for respondent No.1.

The impugned award shows that the respondents in I.D.No.117 of 1994 were set *ex-parte*. The District Collector, the Municipal Commissioner, Warangal Municipality and the Municipal Engineer, Warangal Municipality were the respondents to the said I.D. However, Warangal Municipal Corporation, which evidently was constituted after the disposal of the I.D., filed the present writ petition.

The averments in the affidavit filed in support of the writ petition do not contain any explanation why the precursor of the petitioner, i.e., Warangal Municipality has not contested the Industrial Dispute raised

by the first respondent before the third respondent. Though it is contended in the affidavit that since the first respondent was engaged by Deputy Executive Engineer who had no power or authority to appoint staff, I am not able to countenance with the said contention. Mere pleading was not sufficient to invite a finding on merits with regard to the same before the third respondent and the petitioner should have been diligent in placing the records in support of the said contention and to invite a finding therein from the third respondent. Having not done so and having failed to explain why it remained *ex-parte* before the third respondent-Tribunal, I am not inclined to examine the contention of the petitioner that since the first respondent was engaged by the Deputy Executive Engineer, who had no power or authority to appoint staff, the retrenchment would not attract Section 25 (F) of the Industrial Disputes Act.

I am told that consequent on the impugned order, the first respondent was reinstated on 19-09-1997 and her services were again terminated on 22-04-1998.

Under the above circumstances, I do not see any merit in the contentions raised by the petitioner in the writ petition.

Writ petition is accordingly dismissed. No costs.

**C.V. NAGARJUNA REDDY, J.**

**Dt: 28-11-2006**
Rns.